

25 February 2011



ST VINCENT'S INSTITUTE
MEDICAL RESEARCH

Committee Secretary
Senate Legal and Constitutional Committees
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

**Submission to Senate Legal and Constitutional Committee Inquiry into the Patent
Amendment (Human Genes and Biological Materials) Bill 2010**

Dear Sir/Madam

We would like to provide our comments on the Patent Amendment (Human Genes and Biological Materials) Bill 2010. These comments reflect the views of many of the Research Scientists that work at St Vincent's Institute of Medical Research (SVI), Fitzroy Victoria.

SVI is an independent institute that conducts medical research into the cause, prevention and treatment of diseases that are common and have serious effects on health. We strive, through our research, to help alleviate the enormous financial, emotional and physical impacts of these diseases on individuals, their families and the community.

SVI receives significant funding from the Federal government through the competitive Research Grants system. One of the obligations of receiving such funding is to protect any intellectual property developed. Traditionally the protection of intellectual property is necessary to achieve effective translation of medical discoveries into the clinic.

We are concerned that the proposed legislation to amend the Australian Patents act to exclude from patentable material "biological materials including their components and derivatives, whether isolated or purified or not and however made, which are identical or substantially identical to such materials as they exist in nature", will potentially hinder the translation of research discoveries to the clinic. Our patent attorneys have advised us that the bill in its present format is unclear and has the potential to prevent the patenting of new medicines. We are concerned about its potential to stifle investment in medical research and its potential to conflict with international patent law. All of these could hinder medical advances.

In summary we would oppose the legislation in its current format.

Yours Sincerely

Professor Thomas Kay
Director, SVI